

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Eugene Mincy,

Plaintiff,

v.

Case No. 1:20-cv-00822

Hamilton County Justice Center, et al.,

Judge Michael R. Barrett

Defendants.

**ORDER**

This matter is before the Court on the Magistrate Judge's Report and Recommendation ("R&R"). (Doc. 46).

With respect to dispositive matters, and when the Court receives timely objections to an R&R, the assigned district judge "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3). "The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.*

On December 3, 2021, the Court adopted a different R&R that recommended that Plaintiff be granted leave to proceed against Sheriff Charmaine McGuffey, as a party Defendant, solely for the purpose of conducting discovery to determine the identities of C/O Wade, C/O Tanni Ruthard, Lt. Murrell, and Nurse Elesson. (Doc. 40). In doing so, the Court recognized that Sheriff McGuffey does not directly employ nurses, and the Hamilton County Prosecutor's Office is not statutory counsel for the nurses at the Hamilton County Justice Center, but found that Sheriff McGuffey is in a position to know or determine the full names of the medical professionals responsible for the inmates'

medical care at the Hamilton County Justice Center. (*Id.* PageID 301 n.9).

On December 29, 2021, Sheriff McGuffey filed her Motion to Dismiss. (Doc. 43). In it, Sheriff McGuffey acknowledges Plaintiff's request for Sheriff McGuffey to produce the "log sheet that details the full names of the staff who worked at the Hamilton County Justice Center" on the day of the alleged incident at issue in this matter. (Doc. 41 PageID 308); *accord* (Doc. 43 PageID 317). Sheriff McGuffey explains that she "located responsive documents, and responded to Plaintiff's request within one week." (Doc. 43 PageID 318).

Plaintiff responds that Sheriff McGuffey did not produce the name of any medical professional who worked at the Hamilton County Justice Center on the day of the alleged incident. (Doc. 45). Plaintiff explains that—although Sheriff McGuffey provided the full names for Defendants Murrell, Wade, and Tannreuther—Plaintiff does not have a full name for Nurse Elesson, as Sheriff McGuffey only provided Plaintiff with the names of deputies and sergeants who worked at the Hamilton County Justice Center on the day of the alleged incident. (*Id.* PageID 328). Plaintiff states both that he is "willing to move forward for now and label [Nurse Elesson] as a Jane Doe until later during discovery where we will be able to identify everyone on the camera footage," and, "[a]s for Sheriff Charmaine McGuffey's Motion to Dismiss I want to object on that too until I get the log in sheet of the nurses department so I can get Nurse Elesson's full name." (*Id.* PageID 328, 330).

In the current R&R, the Magistrate Judge recommends that the Court grant Sheriff McGuffey's Motion to Dismiss, as Plaintiff has now discovered the full names Defendants Murrell, Wade, and Tannreuther. (Doc. 46). Regarding Nurse Elesson, the Magistrate

Judge explains that, once Plaintiff learns the full name of Nurse Elesson through discovery, then Plaintiff will be required to file an amended complaint against that Defendant. (*Id.* PageID 333).

Plaintiff filed timely objections in which he reiterates his prior assertion that Sherriff McGuffey did not produce the name of any medical professional who worked at the Hamilton County Justice Center on the day of the alleged incident. *Compare* (Doc. 48 PageID 342), *with* Doc. 45 PageID 328, 330). The Court, though, agrees with the Magistrate Judge that Plaintiff should be able to learn Nurse Elesson's full name through discovery and, after so learning, Plaintiff may file an amended complaint against that Defendant. (Doc. 46 PageID 333). The Court notes Plaintiff's earlier statement that he is "willing to move forward for now and label [Nurse Elesson] as a Jane Doe until later during discovery where we will be able to identify everyone on the camera footage" (Doc. 45 PageID 328), and his subsequent filing of an Amended Complaint against Defendants Wade, Murrell, Tannreuther, and "Nurse Jane Doe" (Doc. 51 PageID 350).

Based on a de novo review, the Court **OVERRULES** Plaintiff's objections (Doc. 48) and **ACCEPTS** and **ADOPTS** the Magistrate Judge's R&R (Doc. 46). In accordance with that R&R, it is hereby **ORDERED** that Sheriff McGuffey's Motion to Dismiss (Doc. 43) is **GRANTED**.<sup>1</sup>

**IT IS SO ORDERED.**

\_\_\_\_\_/s Michael R. Barrett\_\_\_\_\_  
Michael R. Barrett, Judge  
United States District Court

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<sup>1</sup> The Court notes that, on June 17, 2022, the Magistrate Judge ordered the United States Marshal to make service of process on Defendants Murrell, Wade, and Tannreuther. (Doc. 53). The status of said service is unknown as of the date of the issuance of this Order.